

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Noah Kim	Team: Squad #8	CCRB Case #: 201906616	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 06/15/2019 3:06 AM	Location of Incident: § 87(2)(b)	Precinct: 44	18 Mo. SOL 12/15/2020	EO SOL 8/1/2021	
Date/Time CV Reported Mon, 07/29/2019 11:56 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 07/29/2019 11:56 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Moises Contreras	12376	953776	044 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Enver Lopez	04474	954078	044 PCT
2. POM Xavier Perez	10454	963692	044 PCT
3. POF Marleny Felipe	05307	963512	044 PCT
4. POM Tomasz Piechowicz	16404	957957	044 PCT
5. SGT Erik Duran	01423	948476	PBQ/N

Officer(s)	Allegation	Investigator Recommendation
A.POM Moises Contreras	Abuse: Police Officer Moises Contreras refused to obtain medical treatment for § 87(2)(b)	§ 87(2)(b)

Case Summary

On July 29, 2019, § 87(2)(b) filed this following complaint with the CCRB via phone.

On June 15, 2019, at approximately 3:06 a.m., at § 87(2)(b), in the Bronx, § 87(2)(b) was arrested for § 87(2)(b) by Police Officer Moises Contreras of the 44th Precinct following a dispute with her sister's roommate, § 87(2)(b). § 87(2)(b) was transported back to the 44th Precinct stationhouse by PO Marleny Felipe and PO Xavier Perez, also of the 44th Precinct. While § 87(2)(b) was waiting to be processed, she allegedly asked PO Contreras if someone could "check her out" [BR01]. PO Contreras allegedly told § 87(2)(b) that she would receive medical treatment at central bookings (**Allegation A: Abuse of Authority**; § 87(2)(g)).

Body-worn camera footage (BWC) from several responding officers was obtained for this incident [BR02-BR11].

Findings and Recommendations

Allegation (A) Abuse of Authority: At the 44th Precinct stationhouse, PO Moises Contreras refused to obtain medical treatment for § 87(2)(b)

§ 87(2)(g)

On June 15, 2019, at approximately 3:06 a.m., § 87(2)(b) was arrested following a dispute involving § 87(2)(b) her sister § 87(2)(b) and a group of women. In her sworn statement, § 87(2)(b) testified that once she was arrested and taken to the 44th Precinct stationhouse, she was made to wait on a bench and was handcuffed to a railing. As a result of the physical altercation during the dispute, § 87(2)(b)'s press-on nails had been removed, a tooth had been knocked out, she had dried blood in her mouth, and she had a bad migraine headache. While in the holding cell, § 87(2)(b) asked PO Enver Lopez, of the 44th Precinct, if someone was going to "check her out." PO Lopez replied that she would have to ask her arresting officer. Approximately 45 minutes later, PO Contreras, § 87(2)(b)'s arresting officer, walked by and § 87(2)(b) asked him if someone was going to "check her out." PO Contreras told § 87(2)(b) that EMS would see her when she was taken to central bookings. § 87(2)(b) arrived at the stationhouse to bring § 87(2)(b) a sweater and her asthma pump. § 87(2)(b) informed unidentified officers that § 87(2)(b) was pregnant. Once § 87(2)(b) was taken to central bookings, § 87(2)(b) was evaluated by EMS. § 87(2)(b) was evaluated solely for her pregnancy [BR01]. § 87(2)(b) provided a phone statement that was generally consistent with her sworn statement [BR20].

PO Contreras and PO Lopez both testified that they did not recall § 87(2)(b) requesting medical treatment at the stationhouse or at § 87(2)(b)'s apartment on June 15, 2019. § 87(2)(b) did not appear to be visibly injured. PO Contreras and PO Lopez did not recall if § 87(2)(b) was pregnant or if she stated that she was pregnant at the time of the incident. Both officers did not recall interacting with § 87(2)(b) at all at the 44th Precinct stationhouse [BR12-BR13].

Body-worn camera footage from PO Contreras shows § 87(2)(b) in § 87(2)(b)'s apartment after the dispute without any visible injuries. Between 2:32 and 6:53 minutes, § 87(2)(b) does not appear to be bleeding, and § 87(2)(b)'s press-on nails appear to be intact. Between 3:15 and 3:30 minutes, § 87(2)(b) is asked twice by PO Contreras if she or anyone else is injured inside of § 87(2)(b)'s apartment. § 87(2)(b) replies that no one is injured. Between 27:30 and 31:39 minutes, PO Contreras stays in the area of the apartment building and turns his body-worn camera off before leaving the area around the apartment building with PO Lopez. PO Contreras does not bring § 87(2)(b) back to the 44th Precinct stationhouse [BR02].

Body-worn camera footage from PO Marleny Felipe depicts § 87(2)(b) without any visible injuries. Between 21:15 and 27:50 minutes, PO Felipe and PO Perez transport § 87(2)(b) back to the 44th Precinct stationhouse. At 30:35 minutes, PO Felipe's body-worn camera is placed on the front desk at the 44th Precinct stationhouse. Between 30:35 and 33:49 minutes, the body-worn camera footage captures § 87(2)(b) clearly at the front desk of the 44th Precinct stationhouse without any visible injuries. Between 21:15 and 33:49 minutes, § 87(2)(b) does not request medical attention at the front desk. § 87(2)(b) does not complain of being in pain or injured at the front desk or in the car on the way to the 44th Precinct stationhouse [BR04].

None of the officers' body-worn camera footage captures the portion of the incident in which § 87(2)(b) allegedly requests to be "checked out" or medically evaluated in any way [BR02-BR11].

A Medical Treatment of Prisoner Report was filled out for § 87(2)(b) at the 44th Precinct stationhouse. The report only noted that § 87(2)(b) was six weeks pregnant and did not note any injuries [BR14]. PO Contreras and PO Lopez did not recall why this report was filled out [BR12-BR13]. The report was not filled out by either officer [BR14].

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer Histories

- This is the second complaint that § 87(2)(b) has been party to [BR15].
- PO Contreras has been a member of service for six years. This is the seventh CCRB complaint he has been a subject in. § 87(2)(g)
- PO Lopez has been a member of service for six years. This is the ninth CCRB complaint he has been a subject in. § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint [BR01]
- According to the New York City Office of the Comptroller, § 87(2)(b) had not filed a Notice of Claim regarding this incident as of September 17, 2019 [BR16].

• [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date